

**WILLIAMSBURG CITY COUNCIL
WORK SESSION
JUNE 9, 2008**

The Williamsburg City Council held a work session on Monday, June 9, 2008, at 4:00 p.m., in the City Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Chohany, Freiling, and Braxton. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, Assistant City Attorney Workman, Economic Development Director DeWitt, and Department Heads Walentisch, Nester, and Serra.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

Public Comment: Items for City Council Meeting of June 12, 2008

Mayor Zeidler asked for public comment regarding the regular meeting or on any subject.

Ms. Kerry Flanagan, 306 S. Boundary Street, read her prepared statement regarding her experience of last spring relating to city code violations at her place of residence. She felt she was being persecuted because she was a tenant in a house owned by Mr. Gary Shelley. Unidentified men were in her back yard, being directed by a city official to remove her possessions from her property (yard furniture, gardening tools, etc), and loading it on to a truck. The city official told her that written notification about the violations had been mailed to tenants. She had not received the notice and after checking with her housemates, found that they had not received one. She and her housemates protested the taking of the property by sitting on the remaining property and threatened to call the police. At that point, the property that had been placed in the truck was returned to the yard. Several months later she witnessed a city representative tell the Circuit Court Judge that the charges had been dropped because the debris had been removed. However, every single item remained in the yard. She believed that the Judge recognized the discrepancy and later suggested they get an attorney. She did not take legal action against the city because of the monetary and personal energy costs. She and her housemates were not comfortable with people coming in their yard and taking pictures of their property. Because of her recent experience, a friend and Ms. Flanagan's parents said they will rethink whether or not they will come to Williamsburg. Her roommates and her landlord are the best. Mr. Shelley looks out for his tenant's rights and is always responsive. She takes good care of her property and her garden. She wants respect, safety, and privacy. Ms. Flanagan provided photographs of the back yard and garden.

Mr. Gary Shelley, 205 Indian Springs Road, referenced the incident reported by Ms. Flanagan and a memorandum prepared by the City Attorney in September 2006 addressing property maintenance issues, and referenced in a recent *Virginia Gazette* article. He was glad that the students at 306 S. Boundary were not targeted and that he was the one charged with the violation. The students take good care of the property and are good neighbors. It seems they live in a "fragile" neighborhood as defined by the city. He thought the charges were preposterous and they were dismissed in General District

Court. In trying to get a conviction, the city violated its own guidelines and provided false testimony in court. He has photographs to prove his point. In court, a city representative denied the existence of these photos because he should not have come on to a neighboring property without permission to take them. Mr. Shelley said that he was not involved in the action at 306 S. Boundary Street that day, but simply observed. The students were upset; the items in the yard were not debris. After a city representative conferred with Ms. Workman, the property was returned to the yard and he thought this was over. The city continued to pursue the issue. In court, Judge Powell asked Ms. Workman what this was about and Ms. Workman stated it was about debris that Mr. Shelley refused to pick up and throw away. Ms. Workman asked for a nonsuit. She told Judge Powell that the debris had been cleaned up, which was a bald-faced outrageous intentional lie. No one cleaned up the debris. It remains in the yard to this day. He related the resulting court proceedings before Judge Powell and said that the Judge told him that he might want to seek an attorney to go against the city for a frivolous lawsuit.

Mr. Shelley said he was not sure which one of the Council members requested the referenced memorandum prepared by the City Attorney, but the Gazette reporter told him that the City Attorney did not want to release the memo. Neither he nor Council was served by this flawed report. Since dismissal of this case, legal activity against him has stopped. No one from the city has apologized to his tenants.

No one else wished to speak. The comment session was closed.

Council Comment: None

BACKGROUND PRESENTATIONS/DISCUSSION CITY COUNCIL COMMUNICATIONS

New Williamsburg Website Design, Mark Barham, IT Manager

Mr. Barham reported that the last redesign of the city's website was in 2004. Last year the site received 5.7 million hits. The new site, which went live on May 19, was developed by Vision Internet. It provides a better graphical design, ease of use, and content management by city departments. His fellow Redesign Committee members were Michele Woolson, Emanuel Watkins, Jodi Miller, Lori Rierson, and Lauri Springsteen. Mr. Barham demonstrated the new website design. The front page depicts our character as a city, and includes city news items, weather, and easy drop-down menus. Information regarding public meetings is easily accessible, and a city staff directory is now available as well. Positive remarks have been received about the new website.

Council members were pleased with the new website design. Members and Mr. Barham discussed:

- Ease of paying taxes on line.
- Requested that Mr. Barham provide a comparison with other small cities on number of hits.
- Availability of archived Council minutes on line.
- Band width may have to be increased in the future.
- Benchmarking with other communities about best practices.
- The types of information that visitors to the website are looking for.

Municipal Building Expansion, Tom Tingle, GuernseyTingle Architects

Mr. Tuttle said for at least two years the city has been discussing the Municipal Complex, and particularly the Municipal Building. He introduced Mr. Tingle to review the conceptual plans for the building.

Mr. Tingle said the city has been looking at the Municipal Center area and space needs for a couple of years now. He noted that Mr. Andy Cronin, a Vice-President in the firm, was present and was the "sustainability" and "green" right-hand man.

Referring to his presentation materials, Mr. Tingle said the city would like to create a seat of government on city square and keep municipal offices together, like the proposed fire administration/EOC center. The Municipal Center Concept Site Plan illustrated a three story addition to the Municipal Building which would provide additional space to expand current offices and services. The first and second floors would be reconfigured to include the expanded space. He noted that the plan for the first floor shows a better defined entry into the building with an open stairway to the second floor. Existing departments in the building would be reconfigured, and there would be room to add offices for the Williamsburg Redevelopment and Housing Authority, Voter Registrar, and City Attorney. The third floor of the addition would be minimally finished with room for future expansion. Electrical and mechanical systems would be improved and it would be possible to "green" some of the systems. The parking lot would be expanded into the grassed area at the front of the building. The conceptual exterior architectural plan would complement the existing building, with solar shading and more glass.

Mayor Zeidler thanked Mr. Tingle for the presentation. She was in hopes that the city could incorporate all green standards.

Council members and Mr. Tingle discussed:

- The challenges of meeting green standards in an older building.
- The budget for the project includes the cost of site work.
- Estimated cost per square foot for the expansion \$160.
- Additional "green" construction results in substantial energy savings. Mr. Cronin said when an energy model is done for the building; the cost savings would be better estimated.
- Parking spaces would increase 73 spaces to 111.
- The final architectural plans for the exterior of the building will be reviewed by the Architectural Review Board.
- Backup generator power is not planned for the building.
- A green building in our area could be as much as twelve to fifteen percent in additional costs.

Mr. Tuttle said that if Council concurs, the next step is a competitive bid process. The city would entertain proposals for an architectural team for design of the building. This should take about twelve months. Council members concurred that they wanted to move forward with this project.

Williamsburg Area Transport Authority Update, Jodi Miller, Assistant City Manager

Jodi Miller, the city's representative on the WAT Work Group, provided a brief update. The city and two counties are working on the Cooperative Services Agreement and expect the

Authority to be constituted in July. Colonial Williamsburg Foundation and the College of William and Mary are expected to join under secondary service agreements. The Authority Board plans to hold its first meeting on July 17 and establish an Advisory Board. The transfer to the Authority should have no impact on transit services for citizens, students, or visitors.

Ms. Miller said that our transit system is the seventh largest in the state. Ridership on WAT has increased 16%. Summer service has started and Sunday service is to begin in mid July. New bus route services are being planned. The city's annual contribution to WAT is \$265,000.

Mayor Zeidler said Council appreciated the update and thanked Ms. Miller for her work.

Council members and Ms. Miller discussed:

- Increase in Ridership could be in part a result of gas prices (\$4.00 and climbing) and in part because of seasonal workers using the transit system.
- The shuttle service will be useful to citizens.
- Sunday service is critical to some users, especially service workers. Monday through Saturday hours are limited.
- The discontinued Boomerang Service from Williamsburg to Virginia Beach is not likely to be restored, even with gas prices being what they are. There is no funding.
- A secondary service would mean less waiting time for riders.
- The Authority will reevaluate the Hub Design System.
- The Advisory Board would report to the governing board about the system. Seniors and young people (students) would be included.
- Routes, schedules, and Ridership are analyzed every few years; the analysis is used for planning purposes.
- Reductions in Federal and State funding for transit services.
- The three-year funding grant for trolley service will most likely not be renewed and the community will have to fund the service.

Schedule of Meetings: June 2008

Council members received the monthly meeting calendar.

Braxton Court Redevelopment Project: Mr. Haulman announced that the city and Housing Authority will hold an "End of Project" celebration on Friday June 27 at 9:30 a.m.

WRHA: Mr. Haulman announced that Mr. David Watson is the new chairman of the Housing Authority Board.

Neighborhood Council: Ms. Zeidler reported that Mr. Dan Aston from Roseland Property Company attended the meeting and discussed the High Street project.

July 1 Swearing-In of Newly Elected Council Members and Organizational Meeting: Mr. Tuttle said the events will be held at the Courthouse of 1770. The Swearing-In Ceremony will be held at 11:45 a.m.; the Organizational Meeting follows at 12 Noon.

June 12 Public Reception for Outgoing Council Member Mickey Chohany: Mayor Zeidler noted a reception for Mr. Chohany will be held just prior to the regular Council meeting at 1:30 p.m.

OPEN FORUM

Mayor Zeidler asked for comments.

No one else wished to speak. The session was closed.

Comments/Open Forum: Mayor Zeidler clarified that the memorandum from the City Attorney that Mr. Shelley referenced was a public information document on the Rental Inspection and Property Maintenance Programs. She asked that Mr. Phillips clarify the issues referred to by Mr. Shelley.

Mr. Phillips said that the memorandum was a public document and speaks for itself. In the Boundary Street matter, Mr. Phillips pointed out that the information pertaining to Mr. Shelley was taken from the Court website. In every proceeding, the court ruled in the city's favor. A complaint was received by the city about the property at 306 S. Boundary Street and the Code Enforcement officer looked at the property. He entered the adjacent property with permission of the property owner and found a messy situation. Mr. Shelley was notified and asked to clean up the property but he did not. He was notified that if he did not clean it up, the city would send movers to do so. The tenants sat on furniture to keep it from being removed. The Code Enforcement officer decided to withdraw rather than make a scene. Mr. Shelley appealed this to Judge Powell's Court and by that time some of the debris had been cleaned up. Ms. Workman reported that had been done, and Mr. Shelley's statements to the contrary are libelous and slanderous.

Mayor Zeidler asked for guidance from Mr. Phillips for the Chair. When Council holds a public hearing and a speaker calls someone a liar or states that someone has broken the law, what are the limits?

Mr. Phillips confirmed that there are limits. A recent court case in Roanoke, regarding a speaker being removed by police from a public hearing for making inflammatory statements, was recently upheld by the State Supreme Court.

Mr. Phillips noted that Mr. Shelley appealed his case to Judge Powell because he disagreed with the lower court's ruling that said he needed to clean up his property.

CLOSED SESSION

Mr. Haulman Moved That City Council go into closed session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussion one personnel matter per subparagraph 1 concerning appointments to boards and commissions. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 5:30 p.m. The Mayor called a five-minute recess.

OPEN SESSION

At 5:45 p.m., Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Certification of Closed Meeting

Date: June 9, 2008

Motion: Mr. Haulman Second: Mr. Chohany

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 5:46 p.m.

Approved: July 10, 2008

Jeanne Zeidler, Mayor

Shelia Y. Crist, MMC
Clerk of Council